IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1559 OF 2005

Vithal Dhondiba Ingale & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

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Mrs. S.A. Dhamale, Advocate for Petitioners

Mr. M.S. Mhambray, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. Chapter proceedings No. 43 of 2005 were initiated against the petitioners by the respondent No.1 i.e. S.E.M. Division I, Nasik. In the said chapter proceedings the petitioners were directed to furnish sureties without any notice being issued to them under Section 111 of Cr.P.C., hence, the petitioners preferred revision before the Sessions Court at Nasik. The Sessions Court by order dated 4.6.2005 set aside the order dated 27.4.2005 passed by the S.E.M. whereby the petitioners were directed to furnish surety. The said order directing the

petitioners to furnish surety was set aside as the said order was passed without any notice being issued to the petitioners under Section 111 of Cr.P.C.. Hence, the said order dated 27.4.2005 was set aside and the learned Sessions Judge directed the S.E.M. to proceed in the Chapter proceedings in accordance with law.

3. It is contended by the learned advocate for the petitioners that once the proceedings in the Chapter case are set aside there is no question of remanding the matter back to the S.E.M. as no proceedings would exist before the S.E.M. in relation to the chapter proceedings. From perusal of the order of the learned Sessions Judge dated 4.6.2005 it is clear that only the order dated 27.4.2005 of the S.E.M. directing the petitioners to furnish sureties is set aside and entire chapter proceedings have not been set aside. From a bare perusal of the order of the learned Sessions Judge it cannot be said that the entire proceedings in the said chapter case have been quashed. The order passed by the learned Sessions Judge is just, proper and legal. No interference is called for.

4. Criminal Writ Petition is dismissed.

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